

**Andover Conservation Commission Meeting Minutes
December 15, 2011**

Town of Andover
36 Bartlett Street
3rd Floor Conference Room
7:45pm

Conservation Commission Members in Attendance:

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Fran Fink, Commissioner Alix Driscoll, Commissioner Jon Honea, Commissioner Floyd Greenwood and Commissioner Kevin Porter. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

17 Moreland Avenue

Present in Interest: Al French

Staff Recommendation: Ratify Emergency Certification and Issue Determination of Applicability

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed replacement of an existing culvert, 12" x 30', plugged by vines, silt and roots, including re-grading existing driveway to remedy erosion caused by a failed culvert is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The access roadway has a wetland on either side and a culvert which is clogged with vines, roots, etc. The icing of the driveway will result in the lack of access to the home by Emergency vehicles and the oil truck. Both of the lack of access issues will result in the home being condemned under public health and building inspector authority. The culvert will be set by an approved contractor and observed by the Conservation staff to assure it is set at the elevation for the current culvert. The access is a deeded easement across private property with a gravel road.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Ratify the Emergency Certification, it was seconded by Vice Chairman Walsh and unanimously approved. Commissioner Driscoll made a Motion to issue the Determination of Applicability, it was seconded by Vice Chairman Walsh and unanimously approved.

329 River Road

Staff Recommendation: Approve as Pos.2a confirming wetland flags A-1, A-3, A-4, A-5, A-6, A-7, and A-8, Neg.3 with conditions and Neg.5.

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed replacement of a septic system which failed Title 5 inspections is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is under the WPA only. The brook depicted on the plan is an unnamed perennial stream according to the USGS map, connecting to the Merrimack River and is therefore Riverfront. The plan has been revised with Flag A-1 upgradient 14 feet, Flag A-2 was eliminated and tie newly relocated A-1 to A-3 per staff request. The 200 foot Riverfront line is now on the plan as well.

Commissioner Fink asked if the 25 foot buffer was lawn area or wooded. It is a combination of both. No work shall occur within the 25 foot buffer in perpetuity.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to Approve as Pos2a, Neg3 and Neg 5, as discussed, it was seconded by Commissioner Honea and unanimously approved.

189 High Plain Road

Staff Recommendation: Approve as Pos.2b, Neg.3 and Neg.6

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed abandonment of an existing septic system and construction of a replacement septic system and associated site work within 100 feet of a resource area (BVW) is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Agent Cleary presented this to the Commission. The filing is under the WPA only. The house is located within the Fish Brook Watershed Protection Overlay District. The Applicant is using the Town Wetland Maps which provides a much more conservative boundary. We will not be ruling on the flagging since there is none depicted on the plan. The proposed work is more than 80 feet from the BVW, which is in the rear of the dwelling and the proposed work is in the front of the dwelling.

Commissioner Fink noted that the standard is 4 feet above the seasonal high water table for a septic system and this project is only 3 feet above the seasonal high water table. Can this be raised to get the separation needed? The Health Inspector has approved this design as it is a new design of a septic system that does not need as much separation.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to Approve with the condition that the design meets the board of health regulations or will obtain a Variance for the distance to the seasonal high water table, it was seconded by Commissioner Driscoll and unanimously approved.

159 Summer Street

Present in Interest: John Paul Hare, Jr., Joanna Rice and Quinn Hare

Staff Recommendation: Approve as Pos2a, confirming wetland flags WF#1 through WF#5 inclusive, Neg.3 and Neg.6

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a second story project to add a second story addition to an existing 1.5 story dwelling, constructing a covered porch with living space above at the front of the dwelling, and construction of a 36.4' x 10.8' deck at the rear of the dwelling including to add foundation piers to support 2nd story addition is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetland Protection By-Law.

Agent Cleary presented this to the Commission. The filing is under the WPA only. Waivers are requested for inability to meet By-Law regulation setbacks due to constraint of the lot. The BVW is off-site on another lot. Waivers are required for the proposed fence, foundation piers to support 2nd story addition and proposed deck. The Applicant has revised the plan to show 25 foot, 50 foot and 100 foot offsets. Applicant is agreeable to maintaining slightly more than a 15 foot non-disturb from BVW with proposed fencing. Staff agrees with BVW based on vegetation. Plan does not comport to Town Wetland Map due to construction and disturbance of Rogers Brook West. A good portion of the house is within the 100 foot buffer zone. The existing footprint of the house will not change and there will be no change in grading. Commissioner Fink inquired if the fence could be set further from the wetland or use a hedge instead of a fence. She also inquired as to how deep the foundation piers would be and if excavation would require machinery. The foundation piers will be 4 feet for the deck and concrete block will be used for the foundation with the pier footing to use one sona tube. They will be hand dug. There are no trees where the digging will occur. The Applicant agreed to move the erosion control barrier to protect the 36" tree. The only stockpiling will be done on the northeast side of the property.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to grant the waivers for noncompliance of the setback requirements for the rear deck not meeting the 50 foot setback, the fence not meeting the 25 foot setback and the foundation piers not meeting the 50 foot setback. The Motion was seconded by Commissioner Greenwood and unanimously approved. Commissioner Driscoll made a Motion to Approve as Pos.2a, Neg.3 and Neg.6 with the erosion control barrier moved to protect the 36" tree, it was seconded by Vice Chairman Walsh and unanimously approved.

8 Snowberry Road

Present in Interest: Peter Hunt

Staff Recommendation: Issue 2nd enforcement order requiring the filing of a Notice of Intent due to proximity to pond and nature of disturbance

Enforcement Order issued on November 15, 2011 for unpermitted work in or proximate to a Great Pond (Foster's Pond).

Agent Cleary presented this to the Commission. An Enforcement Order was issued due to unauthorized work proximate to Dug Pond, not Fosters Pond. The work included excavation and trenching to the pond, installation of a catch basin in the driveway, etc. Mr. Hunt spoke to the Commission about the work being done and the history of the drainage on the property. The house sits at the bottom of a cul-de-sac with a storm drain 8 feet from his driveway which drains into Dug Pond. During the winter, the storm drain gets covered by the snow from the plows and the driveway becomes frozen with ice. He had spoken with the Town and thought he was improving a hazardous condition. The water from the storm drain goes directly into Dug Pond through cast iron pipes that run from the trench toward the pond.

Chairman Cooper agreed that this is a problem, and asked the Applicant to consult with someone who has wetland experience, not just a contractor.

Commissioner Fink agreed that there must be a way to keep the driveway from freezing and that timing is an issue for the Applicant. The problem now is there is a partially installed catch basin on the property.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to issue the second Enforcement Order to allow staff to protect Dug Pond and to give the Applicant 60 days to comply with the Application; it was seconded by Commissioner Greenwood and unanimously approved.

3 Barbara Lane

Staff Recommendation: Withdrawal of application without prejudice

Continued Public Meeting on the Request for Determination of Applicability filed to determine if the proposed installation of siltation control in work area with 100' of 12' double wall smooth lined culver pipe, back fill to existing grades on both sides of swale is subject to the Massachusetts Wetlands Protection Act.

The Applicant is requesting a Withdrawal of Application Without Prejudice.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to withdraw the application without prejudice, it was seconded by Commissioner Porter and unanimously approved.

18 River Road

Present in Interest: Bill MacLeod, Maureen Hanley, Jim Wilkins, David and Garret Rikkes

Staff Recommendation: Continue

Continued Public Hearing on an Abbreviated Notice of Resource Area Delineation filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law to determine the accuracy of the bordering vegetated wetland.

Mr. Douglas presented this to the Commission. This was continued from November 1, 2011 per Applicant's request. DEP has not issued a number yet and is requesting a copy of the ANRAD plans. The Applicant has submitted additional wetland information at the Commission's request from the meeting of November 1, 2011. This included a new flagging which included the previously unflagged areas. The revised plan and site was reviewed by Commissioner Fink and Mr. Douglas. They found ferns and wetland plants upgradient of the new flagging as well as leaf staining. There is a potential vernal pool immediately adjacent to the site. The potential of the vernal pool coupled with the loss of leaves makes the delineation difficult.

Mr. MacLeod checked with the Town Engineer and the water runs under the property through a stone or rubble drain which connects the 2 wetlands.

Commissioner Fink added that B20 and B21 flags at the end of the drainage area is a scoured channel with water flowing easterly with a square cement culvert and exits by B13 and B14 towards River Road. There is a well defined stream channel in the A series flowing into the B series.

Commissioner Greenwood stated that this could be a resource area since this is not a typical covered culvert.

Chairman Cooper insisted on a complete delineation of all the resource areas on site.

The Commission will conduct a site visit Tuesday, December 20, 2011 at 7:30am to inspect the hydraulic connection and soils tests.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to January 11, 2012, it was seconded by Commissioner Greenwood and unanimously approved.

14 Wabanaki Way

Present in Interest: Maureen Hanley, and Adam Wolff

Staff Recommendation: Continue

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act for the proposed construction of an inground pool, spa, concrete patio, fence and associated grading and utilities.

Mr. Douglas presented this to the Commission. The filing is under the WPA only and there are no waivers requested. However, the limit of clearing is not shown on the plan; caliber and location of trees is not shown on the plan; and no-disturb markers are not shown on the plan. This is a "Backyard Project". The wetland is clearly located near the bottom of slope to an intermittent stream. The Special Conditions language to include our standard pool conditions. DEP has no comment.

Commissioner Fink asked exactly how many trees would be removed and if the size of the patio could be reduced and the pool pushed closer to the house. The 25 foot swath to be cleared is a wooded area. The 25 foot no-disturb will be maintained and the grading in the back is only for lawn purposes. The fence is upgradient, but the Applicant agreed to add markers at the 25 foot no-disturb.

Mr. Wolff added that the 25 foot area to be cleared is now mostly brush and compromised trees. There were many trees damaged in the recent storms, leaving roughly 4 or 5 trees to be removed with the brush.

Commissioner Greenwood asked if the Commission could require a bigger buffer. The Commission can restrict activities in the buffer zone if the work is detrimental to the wetland. Commissioner Fink would like the Applicant to redesign the plan using less patio and with less intrusion into the trees.

The Commission will conduct a site visit December 19, 2011, at 9 a.m.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to continue to January 11, 2011, with the Order of Conditions being issued at that meeting, it was seconded by Commissioner Driscoll and unanimously approved.

232 River Road

Present in Interest: Tracie Fountas, Bill MacLeod and Matthew Jerous

Staff Recommendation: Continue

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act, and/or the Andover Wetlands Protection By-Law, for the proposed construction of a single family home with appurtenances in 200 foot Riverfront and 100 foot buffer zone.

Mr. Douglas presented this to the Commission. The filing is under the WPA and our By-Law for a new home along Fish Brook. The size of the home will be 40 x 40 and is outside of the 100 foot BVW Buffer. No construction is proposed within the 100 foot Inner Riparian zone.

Approximately half of the dwelling and most of the pool and patio will be in the outer portion of the 200 foot Outer Riparian. The plan complies with our submittal standards and no waivers are required. As mitigation, the Applicants are willing to do extensive remediation of the riverfront and wetland areas. These include removal of litter, trash and a century of assorted farm related debris and the relocation of a shed. Also proposed is the replanting of an existing lawn area as an enhanced wildlife habitat and letting the current lawn renaturalize.

Mr. MacLeod presented the project to the Commission. The total area of disturbance is 5,940 square feet, or 9.4% of the Riverfront area. The lot is currently a mowed lawn area with farm debris, wood and brush piles, plastic sheeting, and wire fence all to be removed. The Applicant

will allow the area inside the 100 foot Inner Riparian to naturalize with lawn up to the 100 foot Inner Riparian to be replanted as an enhanced wildlife habitat.

Commissioner Fink asked the Applicant to add a marker at the Northwesterly corner near the trees on the plan for future owners. She also asked if the patio would be pervious material. Due to the steep grading from the patio to the pool, there must be some sort of retaining wall needed. The backwall of the pool will be a wall like structure. She also noted 2 sewer stubs on the street and asked if they could connect to the more westerly one. The applicant chose the lower of the two stubs with only temporary disturbance. The hay bale line near the restoration area at the south end of the house may be too tight for grading. We may need additional hay bales during the clean up of the Riverfront.

Chairman Cooper would like to set up a site visit with Mr. MacLeod and will schedule it with him at a later date.

Commissioner Fink asked for a more specific planting plan to be approved by the Commission for the work in the restoration area.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to January 11, 2012 with the Order of Conditions to be issued at that meeting, it was seconded by Vice Chairman Walsh and unanimously approved.

0 & 303 Lowell Street

Present in Interest: Ray Cormier, Maureen Hanley, Mark Johnson

Staff Recommendation: Close Public Hearing

Continued Public Hearing on an Abbreviated Notice of Resource Area Delineation filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law to determine the accuracy of the bordering vegetated wetland, including plan revisions.

Mr. Douglas presented this to the Commission. This was continued from November 15, 2011. "Staff has spent a considerable amount of time on this delineation and agrees with the delineations of BVW, BLSF and RFA as shown on the latest version of the site plan. However, we still have not reached consensus on the southern pond." The filing is under the WPA only.

Commissioner Fink reported observing several soils test pits adjacent to the southern pond in late November. There was standing water in several of the pits, and mottling in the soil layers directly below the topsoil, which are indicators of wetlands hydrology. She also questioned the letter from the consulting engineer stating the 100-year flood volume for the southern pond because it did not include topographical information or calculations to back up the conclusion, and the pond appeared to be deeper than the conclusion implied.

Bob has concluded that the southern pond was not BVW based on the soils report from Norse and the apparent lack of connection to the middle pond and BVW to the North. The pond surface area was less than the minimum required to define it as a pond under the WPA. Mr. Douglas did not rule out the ILSP possibility.

Maureen Hanley informed the Commission that the irrigation area had been manipulated over the years. There were a number of soil probes in the area where the pond overflows and there were no hydric soils. Ms. Hanley also stated that the basin is not land subject to flooding. Mr. Douglas stated that this is not jurisdictional wetland under the WPA.

The Applicant declined to continue to January 11, 2012 hearing to provide additional information concerning the ILSF analysis. The Commission agreed to schedule an additional meeting in early January to draft findings and issue an ORAD within 21-day time period required by the State regulations.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to confirm the flags, except the south irrigation basin and inlet and wetland line off site and to close the public hearing. The Motion was seconded by Commissioner Greenwood and unanimously approved.

197 Andover Street

Present in Interest: Bill MacLeod, Shane Marrion

Staff Recommendation: Approve

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for proposed construction of a six space parking lot and renovation of an existing driveway.

Mr. Douglas presented this to the Commission. The site walk was completed and the Applicant has provided more information as requested. Commissioner Greenwood approves of the plan with the mitigation stated because there is no other feasible economic option for use of the property. He also would like the land to be deeded to the Conservation Commission to be marked as "Open Access for Public Use".

Mr. MacLeod stated that the performance standards have been met to the extent feasible for this lot.

Commissioner Driscoll would like the Applicant to use permeable pavement or gravel. The Applicant stated the cost of permeable pavement was too high and would likely kill the project and gravel would be unacceptable for office use for the building.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to Approve with the mitigation proposed, it was seconded by Commissioner Porter and approved. Chairman Cooper abstained from the vote.

104 Pine Street

Present in Interest: Bill MacLeod, Maureen Hanley, Arthur Broadhurst, Peter Morris, Christine Erickson, Julie Pike, Ralph Gentile

Staff Recommendation: Continue

Public Hearing on the Abbreviated Notice of Resource Area Delineation filed under the Massachusetts Wetlands Protection Act to confirm the delineation of an intermittent stream and associated resource areas.

Mr. Douglas presented this to the Commission. The filing is under the WPA only. Mr. Douglas visited the site and while he did disagree with the abutters that the wetland is within 20 feet of the house, he does believe the wetland is higher and closer to the house than indicated. Mr. Douglas saw buttressed roots upgradient of the Upland Test Pit, which indicate wetland areas. Some areas will need to be revisited to determine the exact wetland line. Mr. Douglas also found leaf staining which would indicate water flow between the 2 wetlands. Staff recommends a site visit.

Mr. MacLeod presented to the Commission that Norse Environmental had been to the property twice and has expanded the wetland area. The Applicant is agreeable to continue to the next meeting so Maureen Hanley can meet with Bob and make the necessary plan adjustments. Commissioner Driscoll believed there is a vernal pool close to the lot, which would need to be added to the conditions.

Commissioner Fink asked if the A and E series connect. They do connect, but off site.

Julie Pike, an abutter on the north side of the property presented to the Commission that a brook runs through the property starting at the AVIS land, is piped under Lucerne Drive, under her yard and through the front yard of the property. The brook flows year round and empties into Rogers Brook.

Ralph Gentile, an abutter, agreed with Commissioner Driscoll regarding the vernal pool, as it is on his property. He has observed frogs, etc., and it is only dry in late summer.

Peter Morris, an abutter, presented to the Commission that the A series flagged wetland flows to the E series flagged wetland by a perennial stream that is not marked, which feeds into the intermittent stream. There is a 10 foot strip of land owned by AVIS that borders the pipe and any improper delineation could block the access to that strip.

Christine Erickson, an abutter, informed the Commission that her son has brought home salamanders from the vernal pool.

Mr. MacLeod asked to continue to the next meeting and for the Commission to do a site visit as soon as possible and to keep in mind the filing is under the WPA only, but to make notes for the By-Law.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to continue to January 11, 2012 with a site visit on December 19, 2011 at 8:00am, it was seconded by Commissioner Driscoll and unanimously approved.

ACTION ITEMS:

11 Burton Farm Road

Present in Interest: Lawrence Stefani, Jack (Sullivan Engineering)

Staff Recommendation: Approve

Request for Insignificant Change for a minor plan change including the installation of a gravity sump discharge line extending into the 25 foot “No Disturbance” zone.

Vice Chairman Walsh made a Motion to find the change insignificant, it was seconded by Commissioner Driscoll and unanimously approved.

Minutes

Staff Recommendation: Approve

Approval of minutes from November 1, 2011 and November 15, 2011.

Vice Chairman Walsh made a Motion to approve, it was seconded by Commissioner Driscoll and unanimously approved.

72 Chandler Road

Staff Recommendation: Approve

Issuance of a Certificate of Compliance of Work Certificate.

Vice Chairman Walsh made a Motion to approve, it was seconded by Commissioner Driscoll and unanimously approved.

17 Moreland Avenue Present in Interest: Al French

Staff Recommendation: Ratify

Ratify Emergency Certification for damaged culvert causing flooding and road icing.

Vice Chairman Walsh made a Motion to Ratify the Emergency Certification; it was seconded by Commissioner Driscoll and unanimously approved.

13 Rocky Hill Road

Staff Recommendation: Ratify

Ratify Emergency Certification for Emergency Road Work for a blocked culvert with broken headwall causing road to washout.

Vice Chairman Walsh made a Motion to Ratify the Emergency Certification, it was seconded by Commissioner Driscoll and unanimously approved.

40 Rocky Hill Road

Staff Recommendation: Ratify

Ratify Emergency Certification for emergency road work for a blocked culvert.

Vice Chairman Walsh made a Motion to Ratify the Emergency Certification, it was seconded by Commissioner Driscoll and unanimously approved.

4 Crystal Circle

Present in Interest: Bill MacLeod

Staff Recommendation: Approve

Request for insignificant change to revised Site Plan. The impervious surface has been reduced by 2,825 square feet by this proposed change. Commissioner Fink questioned who will own the detention pond on Parcel A. The Homeowners Association will own the detention pond.

Vice Chairman Walsh made a Motion to find the change insignificant, it was seconded by Commissioner Porter and unanimously approved.

8 Crystal Circle

Present in Interest: Bill MacLeod

Staff Recommendation: Approve

Request for insignificant change to revised Site Plan. Proposed change reduces impervious surface by 2,250 square feet. Both staff and site monitor noted that work on the foundation had commenced prior to approval.

Commissioner Fink noted that the hay bale line was 25 feet from the wetland boundary and not on the lot line; all the lots were completely stripped; soil reports show no B layer and a fast perk rate, however the delineation is complete and the plan has already been approved.

Vice Chairman Walsh made a Motion to find the change insignificant, it was seconded by Commissioner Porter and unanimously approved.

10 Crystal Circle

Present in Interest: Bill MacLeod

Staff Recommendation: Approve

Request for insignificant change to revised Site Plan. The proposed change reduces the impervious surface area by 1,800 square feet. Both staff and site monitor noted that the foundation had been installed prior to approval. Project engineer must confirm the cellar drain, which is not depicted on the original plan, outletting into a nearby water quality swale is a perimeter foundation drain. The project engineer should also provide confirmation that the volume of additional flows to be directed to the water quality swale do not influence prior calculation assumptions about volumes or rates into and out of the receiving pond under various storm events.

Vice Chairman Walsh made a Motion to find the change insignificant, provided staff receives information requested, it was seconded by Commissioner Porter and unanimously approved.

DISCUSSION ITEMS/INFORMATION ITEMS THAT MAY REQUIRE A VOTE:

Newport Circle Subdivision

Lot 3

Newport Circle Subdivision

Lot 6

Newport Circle Subdivision

Lot 2

Present in Interest: Mark Johnson and Bill MacLeod

Agenda Items #22, #23 and #24 were opened concurrently. Vote to accept Reforestation Plan. The plans submitted in response to a directive given by Enforcement Orders by the Commission dated October 18, 2011.

Lot 3: A far more extensive area was cut than what has been proposed for planting. Only 3 shade trees were being proposed.

Lot 6: Only 5 shade trees are being provided and the planting plan is for landscaping purposes, not reforestation.

Lot 2: Only 4 shade trees are being provided and the planting plan is sparse.

Commissioner Fink asked the Applicant's representatives how many stumps were left? By knowing that number, the Commission can determine how many trees they would like planted. Commissioner Fink also noted that the plantings were wetland species being planted on an upland area.

Mr. MacLeod indicated the trees are spaced far apart to allow for growth and development. The plan was done by a reforestation expert.

Commissioner Greenwood made a Motion to reject the reforestation plans for Lot 3, Lot 6 and Lot 2 Newport Circle Subdivision, it was seconded by Vice Chairman Walsh and unanimously approved.

Lot 5 (5 Newport Circle) requires a vote relative to the effect that the Limit of Clearing per the original Order of Conditions must be survey staked in the field by January 1, 2012. Failure to do this or any other non-compliant issues with the Order of Conditions will result in an Enforcement Order, Stop Work Order and fines with no forgiveness or grace periods. The Limit of Clearing must be clearly delineated.

Commissioner Greenwood made a Motion to issue the Enforcement Order referring to the original plan for Limit of Clearing with a cover letter; it was seconded by Commissioner Driscoll and unanimously approved.

Newport Circle Subdivision

6 Newport Circle

Request for an Adjudicatory Appeal. Attorney Don Borenstein filed Applicant's Response for Order to Show Cause to DEP's Office of Administrative Appeals. Town Counsel is picking up the information and will advise staff as to the next step.

Attorney Borenstein also filed for the Applicant an Appeal to Superior Court relative to the denial of the Requests for an Amendment and relative to the Enforcement Orders. Town Counsel will be appearing for the Commission.

MBTA Information Meeting

MBTA Information Meeting on Rehabilitation of two bridges on the Shawsheen River. Site walk was done, but the Commission is seeking further information from the MBTA regarding the actual construction.

Ballardvale Land

Discussions of the Proposal to transfer Ballardvale Land from MBTA. Commissioner Greenwood and Andy will present the proposal on behalf of the Commission.

Commissioner Honea made Motion to Approve the proposal and allow Commissioner Greenwood and Andy Menezes to present the proposal; it was seconded by Commissioner Driscoll and unanimously approved.

2 Bancroft Road

Vice Chairman Michael Walsh recused himself.

Discussions on Wetland Sediments and Tanks Samples and Extension of the Enforcement Order and Town of Andover's Water Department for an additional four months.

Commissioner Honea made a Motion to extend the Enforcement Order for 4 months as requested, it was seconded by Commissioner Driscoll and unanimously approved.

Overseer Appointment

Vote to appoint Norm Viehmann as Conservation Overseer for Hussey's Brook.

Commissioner Porter made a Motion to Appoint Norm Viehmann, it was seconded by Commissioner Driscoll and unanimously approved.

The next meeting will be held at 7:45pm on January 11, 2012.

The meeting was adjourned at 11:54pm by Motion of Commissioner Porter, it was seconded by Commissioner Honea and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**